

REMARKS

Claims 1 and 27-75 were pending in this application. Applicant has cancelled claims 1 and 27-75 without prejudice. Applicant fully reserves the right to prosecute the subject matter of the cancelled claims in one or more related applications. Applicant also has added new claims 76-86. Support for the new claims can be found in the specification as set forth in the chart below.

<u>New Claim</u>	<u>Specification (WO 02/087583)</u>
76	"A method for treating a tumor, comprising administering...to a human subject having a tumor" (page 5, line 9; and page 5, line 29 to page 6, line 2) "indinavir at a daily dose of 1200 mg" (page 16, line 30)
77	"A method for blocking cell migration or invasion, comprising administering...to a human subject in need of said blocking" (page 5, line 9; and page 6, lines 9-17 and 26-32) "indinavir at a daily dose of 1200 mg" (page 16, line 30)
78	"said blocking is of neoplastic cell migration or invasion" (page 1, lines 5-7; page 6, lines 4-8)
79	"said human subject is not infected with HIV" (page 6, lines 16-17; and page 13, lines 19-20)
80	"method...further comprising administering...nelfinavir" (page 16, lines 3-5)
81	"the tumor is Kaposi's sarcoma" (page 6, lines 23-25)
82	"the tumor is a benign tumor of soft tissue, cartilage, bone or blood" (page 15, lines 24-25)
83	"the tumor is a malignant tumor of soft tissue, cartilage, bone or blood" (page 15, lines 24-25)
84	"method...further comprising administering...an anti-inflammatory, anti-angiogenic or anti-tumor drug" (page 7, lines 7-18)
85	"said administering of the indinavir is orally, intravenously, intramuscularly, subcutaneously, intradermally, intraperitoneally, intrathecally, intrapleurally, intrauterine, transmucosally, rectally, vaginally, intralesionally or percutaneously" (page 16, lines 23-26)
86	"said administering of the indinavir is orally" (page 16, line 23)

No new matter has been added. Upon entry of the present amendments, claims 76-86 will be pending in the present application.

ELECTION/RESTRICTIONS

The Examiner has required an election under 35 U.S.C. §§ 121 and 372 of one of the following inventions:

- I. Claim 1, with the technical feature of a method for preparing a medicament.
- II. Claims 27-75, with the technical feature of a method for treating a tumor or blocking the growth of a tumor.

The Examiner contends that the inventions listed as Groups I and II are not so linked as to form a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding technical features over the prior art as represented by Weichold *et al.* (WO 00/33654).

In response, Applicant hereby elects Group II, and takes this opportunity to cancel pending claims 1 and 27-75, without prejudice, and add new claims 76-86, which are drawn to the elected invention of Group II. Applicant reserves the right to prosecute the non-elected subject matter of Group I in one or more related applications.

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CONCLUSION

Applicant respectfully requests that the above amendments and remarks be entered and made of record in the file history of the instant application.

If any additional fees are deemed necessary in connection with the filing of this response, please charge the required fees to Jones Day Deposit Account No. 50-3013.

Date: February 8, 2008

Respectfully submitted,

 32,605

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Enclosure